

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRELL PERRY,

Plaintiff,

Case No. 08-12740

v.

Honorable Patrick J. Duggan

GREEN, BROWN, and VISHAMPET
THYAGARGION,

Defendants.

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on March 26, 2009.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

Plaintiff, a parolee of the Michigan Department of Corrections, initiated this lawsuit on June 6, 2008, pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights during his confinement at the Charles Egeler Reception & Guidance Center. On August 14, 2008, Defendant Brown filed a motion for summary judgment based on Plaintiff's failure to exhaust administrative remedies which this Court referred to Magistrate Judge Paul J. Komives.

On February 27, 2009, Magistrate Judge Komives filed his Report and Recommendation (R&R) recommending that this Court deny Brown's motion for summary judgment. At the conclusion of the R&R, Magistrate Judge Komives advises the parties that

they may object to and seek review of the R&R within ten days of service upon them. (R&R at 31.) He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” (*Id.*) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Komives.

Accordingly,

IT IS ORDERED that Brown’s motion for summary judgment is **DENIED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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